IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7012 OF 2002

Sau.Laxmibai Bhauso Zurange ...Petitioner
vs.
Smt.Janabai Bhausaheb Zurange & Ors. ...Respondents

Mr.Parag Salunke i/b Mr.A.A.Kumbhakoni for the Petitioner
Mr.Sachin Chavan i/b Mr.S.S.Kulkarni for Respondent No.1.

CORAM: A.S.OKA,J.
DATE : JUNE 13, 2007.

P.C.:

1. Heard Advocates for the parties. By this Writ Petition under Article 227 of Constitution of India, the Petitioner has taken exception to the orders passed by the Authorities under the Maharashtra Land Revenue Code,1966 (hereinafter referred to as the said Code of 1966) in the proceeding relating to mutation entries. The Additional Commissioner while passing the impugned order has relied upon the gift deed and trust deed and has observed that the validity of the said documents can be gone into only in a civil suit. In fact, an Appeal arising out of the civil suit filed by the Petitioner is still pending.

2. It is well settled position of law that in the proceeding relating to mutation entries, the Revenue Authorities cannot decide the issue of title. The orders passed by the Authorities under the said Code of 1966 are always subject to the decree passed by the Civil Court in a suit of title. In view of this position, Writ Petition need not be entertained.

3. Subject to what is stated above, Petition is rejected.

JUDGE